

Ex A



# Certificate of Occupancy

CO Number: 402115661T002

This certifies that the premises described herein conforms substantially to the approved plans and specifications and to the requirements of all applicable laws, rules and regulations for the uses and occupancies specified. No change of use or occupancy shall be made unless a new Certificate of Occupancy is issued. *This document or a copy shall be available for inspection at the building at all reasonable times.*

<b>A.</b> Borough: Queens Address: 5-49 BORDEN AVE Building Identification Number (BIN): 4860183	Block Number: 00034 Lot Number(s): 12 Building Type: New	Certificate Type: Temporary Effective Date: 04/08/2009 Expiration Date: 06/07/2009
<i>For zoning lot metes &amp; bounds, please see BISWeb.</i>		
<b>B.</b> Construction classification: 1-C (1968 Code) Building Occupancy Group classification: J2 (1968 Code) Multiple Dwelling Law Classification: HACA		
No. of stories: 12      Height in feet: 123      No. of dwelling units: 138		
<b>C.</b> Fire Protection Equipment: Standpipe system, Fire alarm system, Sprinkler system		
<b>D.</b> Type and number of open spaces: None associated with this filing.		
<b>E.</b> This Certificate is issued with the following legal limitations: None		
Outstanding requirements for obtaining Final Certificate of Occupancy:		
There are 25 outstanding requirements. Please refer to BISWeb for further detail.		
Borough Comments: None		

Borough Commissioner

Commissioner

DOCUMENT CONTINUES ON NEXT PAGE



# Certificate of Occupancy

Page 2 of 2

CO Number:

402115661T002

Permissible Use and Occupancy						
All Building Code occupancy group designations are 1968 designations, except RES, COM, or PUB which are 1938 Building Code occupancy group designations.						
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description of use
001	8	OG	B-2		2	STORAGE REFUSE ROOMS
001	14	OG	D-2		2	MECHANICAL ROOMS
001	12	OG	J-2		2	LOBBY, LOUNGE
001	8	OG	F-3		2	GYM
001		OG	J-2	1	2	ONE (1) APARTMENT
002 008	40		J-2	13	2	THIRTEEN (13) APARTMENTS ON EACH FLOOR
009 012	40		J-2	10	2	TEN (10) APARTMENTS ON EACH FLOOR
ROF	100		J-2		2	TENANT RECREATION AREA (26 CABANAS)
END OF SECTION						

Borough Commissioner

Commissioner

END OF DOCUMENT

402115661/002 4/8/2009 1:41:53 PM

HP000128



Page 1 of 2

# Certificate of Occupancy

CO Number: 402115661T001

This certifies that the premises described herein conforms substantially to the approved plans and specifications and to the requirements of all applicable laws, rules and regulations for the uses and occupancies specified. No change of use or occupancy shall be made unless a new Certificate of Occupancy is issued. *This document or a copy shall be available for inspection at the building at all reasonable times.*

<b>A.</b> Borough: Queens Address: 5-49 BORDEN AVE Building Identification Number (BIN): 4860183	Block Number: 00034 Lot Number(s): 12 Building Type: New	Certificate Type: Temporary Effective Date: 02/17/2009 Expiration Date: 04/18/2009
<i>For zoning lot metes &amp; bounds, please see BISWeb.</i>		
<b>B.</b> Construction classification: 1-C (1968 Code) Building Occupancy Group classification: J2 (1968 Code) Multiple Dwelling Law Classification: HACA		
No. of stories: 12      Height in feet: 123      No. of dwelling units: 138		
<b>C.</b> Fire Protection Equipment: Standpipe system, Fire alarm system, Sprinkler system		
<b>D.</b> Type and number of open spaces: None associated with this filing.		
<b>E.</b> This Certificate is issued with the following legal limitations: None		
<b>Outstanding requirements for obtaining Final Certificate of Occupancy:</b>		
There are 24 outstanding requirements. Please refer to BISWeb for further detail.		
<b>Borough Comments:</b>		
THIS TEMP CERTIFICATE OF OCCUPANCY IS FOR FLOORS 1-11 AND ROOF ONLY, EXCLUDING THE ENTIRE 12TH FLOOR.		

Borough Commissioner

Commissioner

DOCUMENT CONTINUES ON NEXT PAGE



Page 2 of 2

# Certificate of Occupancy

CO Number: 402115661T001

Permissible Use and Occupancy						
All Building Code occupancy group designations are 1968 designations, except RES, COM, or PUB which are 1938 Building Code occupancy group designations.						
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description of use
001	8	OG	B-2		2	STORAGE REFUSE ROOMS
001	14	OG	D-2		2	MECHANICAL ROOMS
001	12	OG	J-2		2	LOBBY, LOUNGE
001	8	OG	F-3		2	GYM
001		OG	J-2	1	2	ONE (1) APARTMENT
001		OG	B-2		2	25 ACCESSORY PARKING SPACES
002 008	40	J-2	13		2	THIRTEEN (13) APARTMENTS ON EACH FLOOR
009 012	40	J-2	10		2	TEN (10) APARTMENTS ON EACH FLOOR
ROF	100	J-2			2	TENANT RECREATION AREA (26 CABANAS)
END OF SECTION						

2 13  
70  
104

144

Borough Commissioner

Commissioner

END OF DOCUMENT

402115661/001 2/17/2009 9:05:38 AM

HP000130

Ex B



# Certificate of Occupancy

CO Number: 402437065T001

This certifies that the premises described herein conforms substantially to the approved plans and specifications and to the requirements of all applicable laws, rules and regulations for the uses and occupancies specified. No change of use or occupancy shall be made unless a new Certificate of Occupancy is issued. *This document or a copy shall be available for inspection at the building at all reasonable times.*

<b>A.</b> Borough: Queens Address: 48-15 11 STREET Building Identification Number (BIN): 4862699	Block Number: 00061 Lot Number(s): 80 Building Type: New	Certificate Type: Temporary Effective Date: 03/12/2009 Expiration Date: 06/10/2009
For zoning lot metes & bounds, please see BISWeb.		
<b>B.</b> Construction classification: 1-D (1968 Code) Building Occupancy Group classification: J2 (1968 Code) Multiple Dwelling Law Classification: HAEA		
No. of stories: 12      Height in feet: 125      No. of dwelling units: 72		
<b>C.</b> Fire Protection Equipment: None associated with this filing.		
<b>D.</b> Type and number of open spaces: Parking spaces (37), Parking (14403 square feet)		
<b>E.</b> This Certificate is issued with the following legal limitations: None		
Outstanding requirements for obtaining Final Certificate of Occupancy: There are 24 outstanding requirements. Please refer to BISWeb for further detail. Borough Comments: None		

Borough Commissioner

Commissioner

DOCUMENT CONTINUES ON NEXT PAGE



# Certificate of Occupancy

CO Number: 402437065T001

Permissible Use and Occupancy						
All Building Code occupancy group designations are 1968 designations, except RES, COM, or PUB which are 1938 Building Code occupancy group designations.						
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description of use
CEL			J-2		2B	ACCESSORY (22) PARKING SPACES
CEL			D-2		2B	MECHANICAL ROOM
CEL		OG	B-2		2B	TENANT STORAGE,
OSP		100	J-2		2B	OUTSIDE RECREATION AREA
001		40	J-2		2B	ACCESSORY (15) PARKING SPACES
001		40	J-2		2B	ACCESSORY EXERCISE ROOM
001		40	J-2		2B	LOBBY, LOUNGE
002		40	J-2	7	2	(7) CLASS 'A' APARTMENTS
003		40	J-2	7	2	(7) CLASS 'A' APARTMENTS
004		40	J-2	7	2	(7) CLASS 'A' APARTMENTS
005		40	J-2	7	2	(7) CLASS 'A' APARTMENTS
006		40	J-2	7	2	(7) CLASS 'A' APARTMENTS
007		40	J-2	7	2	(7) CLASS 'A' APARTMENTS

Borough Commissioner

Commissioner

DOCUMENT CONTINUES ON NEXT PAGE





# Certificate of Occupancy

CO Number: 402437065T001

Permissible Use and Occupancy						
All Building Code occupancy group designations are 1968 designations, except RES, COM, or PUB which are 1938 Building Code occupancy group designations.						
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description of use
008	40		J-2	6	2	(6) CLASS 'A' APARTMENTS
009	40		J-2	6	2	(6) CLASS A APTS.
010	40		J-2	6	2	(6) CLASS A APTS.
011	40		J-2	6	2	(6) CLASS A APTS.
012	40		J-2	6	2	(6) CLASS A APTS.
ROF	31	100	J-2		2	TENANT RECREATION SPACE (15 CABANAS) 31 MAX OCCUPANTS.
ROF						MECHANICAL & ELEVATOR ROOMS
END OF SECTION						

Borough Commissioner

Commissioner

END OF DOCUMENT

402437065/001 3/12/2009 10:10:37 AM

Exc



always open

☐ **CLICK HERE TO SIGN UP FOR BUILDINGS NEWS**

NYC Department of Buildings  
B-SCAN List of Required Items

Premises: 5-49 BORDEN AVENUE QUEENS  
BIN: 4860183 Block: 34 Lot: 1

25 OPEN ITEMS OF 91 REQUIRED FOR JOB  
ADDRESS: NEW HOUSE NUMBER APPROVED  
CERTIFICATE OF OCCUPANCY  
SPRINKLER (SP) SIGNOFF  
STANDPIPE (SD) SIGNOFF  
ELEVATOR JOB SIGNOFF  
MECHANICAL (MH) SIGNOFF  
CURB CUT (CC) SIGNOFF  
EQUIPMENT USE PERMITS  
SITE SURVEY: FINAL  
BOILER (BL) SIGNOFF  
BPP: FINAL SIGNOFF  
MASONRY SUPPLIER'S STATEMENT-FORM 10.0  
FINAL PLUMBING SIGNOFF  
FINAL ELEVATOR SIGNOFF  
FINAL ELECTRICAL SIGNOFF  
FINAL CONST. SIGNOFF  
VERIFY TAX LOT  
CO OBJ: VERIFY ADDRESS-TOPO STAMP  
VIOLATIONS SEARCH  
OPEN APPLICATIONS SEARCH  
FOLDER REVIEW  
ELECTRICAL OBJ: OPEN APPLICATIONS  
ELEVATOR OBJ: OPEN ELV APP  
3'-6" FENCE IN CITY WIDENING STREET, OBTAIN

Job No: 402115661

Job Type: NB - NEW BUILDING

WHO RCV#	PRI TO	REQUIRED DATE	RECEIVED DATE	W CERTIFIED V
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	09/15/2008		
N	SGN	10/27/2008		
T	SGN	01/23/2009		

HP000136

## B-SCAN List of Required Items

Page 2 of 2

FROM D.O.T.

TCO NOT ISSUED AS STATED ABOVE

N SGN 04/08/2009

(\*) N = Can be received by clerical staff; T = Can only be received by a plan examiner  
Some items may not be required for your specific work filing.

Enter Criteria for Required Item Display

## Display Items Required Prior To:

☒ Approval☒ Permit☒ Signoff

## Which Items Should Be Displayed?

☐ All Items☒ Open Items Only

Redisplay

Reset

If you have any questions please review these Frequently Asked Questions, the Glossary, or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

<http://a810-bisweb.nyc.gov/bisweb/BScanItemsRequiredServlet?rqidprioa=on&rqidpriortop=on&rqiditemstatus=open&rqidpr...> 4/8/2009

Ex D

This plan has been amended.  
See inside

---

CONDOMINIUM OFFERING PLAN  
FOR  
**ONE HUNTERS POINT CONDOMINIUM**

Located At  
5-49 Borden Avenue  
Long Island City, Queens County, New York

The Condominium will be comprised of 132 residential units, 26 roof terrace units and 25 parking spaces.  
All units are being offered for sale pursuant to this Offering Plan.

---

Total Amount of Offering:	132 residential units:	\$84,005,700.00
	26 roof terrace units:	\$ 916,750.00
	25 parking space units:	\$ 1,120,000.00
	Total:	\$86,042,450.00

---

**SPONSOR:**  
Borden East River Realty  
c/o Simone Development Companies  
1000 Main Street  
New Rochelle, New York 10801

**SELLING AGENT:**  
Brown Harris Stevens Project Marketing  
675 Third Avenue (Suite 411)  
New York, New York 10017

**SPONSOR'S ATTORNEY:**  
Ruskin Moscou Faltischek, P.C.  
1425 RexCorp Plaza  
East Tower, 15th Floor  
Uniondale, New York 11556

---

Date of Acceptance for Filing: September 11, 2007.

This Offering Plan Will Be Effective For Twelve (12) Months From The Above Date. The Term May Be Extended By An Amendment To The Offering Plan.

---

SEE PAGE (1) FOR SPECIAL RISKS TO PURCHASERS.

---

BECAUSE SPONSOR IS RETAINING THE UNCONDITIONAL RIGHT TO RENT RATHER THAN SELL UNITS, THIS PLAN MAY NOT RESULT IN THE CREATION OF A CONDOMINIUM IN WHICH A MAJORITY OF THE UNITS ARE OWNED BY OWNER-OCCUPANTS OR INVESTORS UNRELATED TO SPONSOR. (SEE SPECIAL RISKS SECTION OF THE PLAN.)

PURCHASERS FOR THEIR OWN OCCUPANCY MAY NEVER GAIN CONTROL OF THE BOARD OF MANAGERS UNDER THE TERMS OF THIS OFFERING PLAN. (SEE SPECIAL RISKS SECTION OF THE PLAN.)

THIS OFFERING PLAN IS THE ENTIRE OFFER TO SELL THESE CONDOMINIUM UNITS. NEW YORK LAW REQUIRES THE SPONSOR TO DISCLOSE ALL MATERIAL INFORMATION IN THIS OFFERING PLAN AND TO FILE THIS OFFERING PLAN WITH THE NEW YORK STATE OFFICE OF THE ATTORNEY GENERAL PRIOR TO SELLING OR OFFERING TO SELL ANY CONDOMINIUM UNIT. FILING WITH THE OFFICE OF THE ATTORNEY GENERAL DOES NOT MEAN THAT THE DEPARTMENT OR ANY OTHER GOVERNMENT AGENCY APPROVED THIS OFFERING.

---

proceed under any assignable warranties and other undertakings received by Sponsor from contractors, suppliers, or others in connection with the construction and equipping of the Building, except that warranties and undertakings received by Sponsor which relate to appliances, equipment or fixtures located in any Unit shall be assigned to Purchaser of such Unit on the date of closing of title thereto including the warranties and undertakings received by Sponsor which relate to appliances, equipment, or fixtures located in the Units and the Common Elements. Sponsor makes no representation as to which, if any, of the warranties and other undertakings will continue to remain in force upon the Closing of any particular Unit.

→ (g) The Sponsor will obtain a permanent certificate of occupancy for the Building. If, as of the First Closing, only a temporary certificate of occupancy has been issued for the Building, Sponsor will use all reasonable diligence to cause the Buildings Department to continuously renew the temporary certificate of occupancy until a permanent certificate of occupancy for the Building, including all of the Units in the Building, has been issued. Sponsor will, at its sole cost and expense, do and perform all work, and will supply for the Building all materials that shall be necessary in order to cause the temporary certificate of occupancy to be continuously renewed and to obtain a permanent certificate of occupancy. In the event a permanent certificate of occupancy is not issued as of the date of closing of a Unit, Sponsor anticipates obtaining the permanent certificate of occupancy within two (2) years of the closing of a Unit. Article 5, Section 2 of the By-Laws prohibits Unit Owners from making any alterations in or to a Unit prior to the issuance of a permanent certificate of occupancy, unless the Sponsor consents to such work, and authorizes the Sponsor to halt any unauthorized work. If there are delays in issuance of a permanent certificate of occupancy arising from unauthorized alterations, Sponsor shall remain responsible for obtaining the permanent certificate of occupancy, but may have a cause of action against the party or parties performing such alterations. Prospective Purchasers are advised that a permanent certificate of occupancy is required for permanent use of the Units in the Building, and that a temporary certificate of occupancy may be renewed only for a total of 2 years from the date of first issuance.

→ (h) If Sponsor fails to obtain a permanent certificate of occupancy for the Building prior to the First Closing, Sponsor will be obligated to: (i) direct the Escrow Agent to hold and maintain those monies received pursuant to all Purchase Agreements (see the Section of the Plan entitled "Escrow and Trust Fund Requirements") which would otherwise be payable to Sponsor in the special trust account required by the General Business Law of the State of New York, Sections 352-e(2)(b) and 352(h), provided, however, that if Sponsor's Architect certifies that a lesser amount than the amount held in the special trust account is reasonably necessary to complete the work needed to obtain a permanent certificate of occupancy, then the amount exceeding the sum so certified by the Sponsor's Architect shall be released from the special escrow account to Sponsor; or (ii) Sponsor shall deposit with Escrow Agent cash or an unconditional, irrevocable letter of credit or post a surety bond in an amount Sponsor's Architect, from time to time, certifies is reasonably necessary to complete the work needed to obtain the permanent certificate of occupancy.

Ex E



K

Ex F



## B-SCAN List of Required Items

Page 2 of 2

(\*) N = Can be received by clerical staff; T = Can only be received by a plan examiner

Some items may not be required for your specific work filing.

Enter Criteria for Required Item Display

Display Items Required Prior To:

☒ Approval

☒ Permit

☒ Signoff

Which Items Should Be Displayed?

☐ All Items

☒ Open Items Only

If you have any questions please review these Frequently Asked Questions, the Glossary, or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

HP000145

<http://a810-bisweb.nyc.gov/bisweb/BScanItemsRequiredServlet?requestid=4&rqdprioroa=on&rqdpriortop=on&rqidprioros=0...> 4/8/2009

Ex 6

This plan has  
See inside

**CONDOMINIUM OFFERING P.  
FOR  
HUNTERS VIEW CONDOMINIUM**

Located At  
48-15 11th Street  
Long Island City, Queens County, New York

The Condominium will be comprised of 73 residential units, 15 roof terrace units and 37 parking space units. All units are being offered for sale pursuant to this Offering Plan.

Total Amount of Offering: 73 residential units:	\$45,318,757.00
15 roof terrace units:	\$ 513,000.00
37 parking space units:	\$ 1,655,000.00
Total	\$47,486,757.00

**SPONSOR:**  
11/49 Realty  
c/o Simone Development Companies  
1000 Main Street  
New Rochelle, New York 10801

**SELLING AGENT:**  
Brown Harris Stevens Project Marketing  
675 Third Avenue (Suite 411)  
New York, New York 10017

**SPONSOR'S ATTORNEY:**  
Ruskin Moscou Faltischek, P.C.  
1425 RexCorp Plaza  
East Tower, 15th Floor  
Uniondale, New York 11556

Date of Acceptance for Filing: September 11, 2007.

This Offering Plan Will Be Effective For Twelve (12) Months From The Above Date. The Term May Be Extended By An Amendment To The Offering Plan.

SEE PAGE (I) FOR SPECIAL RISKS TO PURCHASERS.

BECAUSE SPONSOR IS RETAINING THE UNCONDITIONAL RIGHT TO RENT RATHER THAN SELL UNITS, THIS PLAN MAY NOT RESULT IN THE CREATION OF A CONDOMINIUM IN WHICH A MAJORITY OF THE UNITS ARE OWNED BY OWNER-OCCUPANTS OR INVESTORS UNRELATED TO SPONSOR. (SEE SPECIAL RISKS SECTION OF THE PLAN.)

PURCHASERS FOR THEIR OWN OCCUPANCY MAY NEVER GAIN CONTROL OF THE BOARD OF MANAGERS UNDER THE TERMS OF THIS OFFERING PLAN. (SEE SPECIAL RISKS SECTION OF THE PLAN.)

THIS OFFERING PLAN IS THE ENTIRE OFFER TO SELL THESE CONDOMINIUM UNITS. NEW YORK LAW REQUIRES THE SPONSOR TO DISCLOSE ALL MATERIAL INFORMATION IN THIS OFFERING PLAN AND TO FILE THIS OFFERING PLAN WITH THE NEW YORK STATE OFFICE OF THE ATTORNEY GENERAL PRIOR TO SELLING OR OFFERING TO SELL ANY CONDOMINIUM UNIT. FILING WITH THE OFFICE OF THE ATTORNEY GENERAL DOES NOT MEAN THAT THE DEPARTMENT OR ANY OTHER GOVERNMENT AGENCY APPROVED THIS OFFERING.

Architect, from time to time, certifies is reasonably necessary to complete the work needed to obtain the permanent certificate of occupancy.

(i) Construction is a complicated process requiring the coordination of numerous tasks and the balancing of complex mechanical and architectural systems. During the first year of condominium operation, construction workers and related personnel will be at the Building from time to time making adjustments and performing various tasks relating to the completion of construction. Various systems, including but not limited to water supply, heating ventilating and air conditioning and elevators, may require substantial time after any Closing to complete and may need to be shut down temporarily. Various other adjustments to windows, the elevator and other systems may require substantial time after the Closing to be completed.

(j) Sponsor has no obligation to repair or improve the Unsold Units, the Common Elements or the Facilities used in connection with the operation of the Building except as otherwise expressly provided in the Plan. Sponsor agrees to complete construction and to cause all mechanic's liens with respect to the construction of the Building to be promptly discharged or bonded (all subject to Sponsor's rights to abandon the Plan).

(k) Each Unit and the fixtures and personal property contained therein, are being sold and delivered "AS IS", as described in the Plan, at the time of transfer of title to such Unit unless Sponsor and the Purchaser of such Unit otherwise agree in writing. The Purchaser of a Unit shall inspect such Unit prior to the Closing Date and shall execute at such time an Inspection Statement acknowledging the Purchaser's acceptance of the Unit in good condition and in accordance with the terms of the Plan. However, if a Purchaser finds that Sponsor's improvements as described in the Plan or in the Purchase Agreement for such Unit or other writing duly executed and delivered by Sponsor, have not been fully completed, although such improvements have been substantially completed, then Sponsor or its designated representative and the Purchaser will at the time of such execution agree upon and set forth in the Inspection Statement a list of the incomplete work to be completed in the Unit by Sponsor following the Closing for such Unit. Sponsor's obligation thereunder shall survive delivery of the deed to the Purchaser. The failure of Sponsor to complete such work shall not be a ground for the Purchaser to delay the closing. Sponsor and its contractors, subcontractors agents and employees, will have a right of access to enter the Unit after closing in order to complete the work on the Inspection Statement. The issuance of a certification from a registered architect or licensed engineer shall be presumptive evidence that a particular Unit or Sponsor's improvements with respect to the Common Elements, as applicable, has been substantially completed.

(l) Article 36-B of the New York General Business Law ("Housing Merchant Implied Warranty Law") does not apply to this offering. Sponsor will correct, repair, or replace any and all defects relating to construction of the Building, or in the installation or

proceed under any assignable warranties and other undertakings received by Sponsor from contractors, suppliers, or others in connection with the construction and equipping of the Building, except that warranties and undertakings received by Sponsor which relate to appliances, equipment or fixtures located in any Unit shall be assigned to Purchaser of such Unit on the date of closing of title thereto including the warranties and undertakings received by Sponsor which relate to appliances, equipment, or fixtures located in the Units and the Common Elements. Sponsor makes no representation as to which, if any, of the warranties and other undertakings will continue to remain in force upon the Closing of any particular Unit.

(g) The Sponsor will obtain a permanent certificate of occupancy for the Building. If, as of the First Closing, only a temporary certificate of occupancy has been issued for the Building, Sponsor will use all reasonable diligence to cause the Buildings Department to continuously renew the temporary certificate of occupancy until a permanent certificate of occupancy for the Building, including all of the Units in the Building, has been issued. Sponsor will, at its sole cost and expense, do and perform all work, and will supply for the Building all materials that shall be necessary in order to cause the temporary certificate of occupancy to be continuously renewed and to obtain a permanent certificate of occupancy. In the event a permanent certificate of occupancy is not issued as of the date of closing of a Unit, Sponsor anticipates obtaining the permanent certificate of occupancy within two (2) years of the closing of a Unit. Article 5, Section 2 of the By-Laws prohibits Unit Owners from making any alterations in or to a Unit prior to the issuance of a permanent certificate of occupancy, unless the Sponsor consents to such work, and authorizes the Sponsor to halt any unauthorized work. If there are delays in issuance of a permanent certificate of occupancy arising from unauthorized alterations, Sponsor shall remain responsible for obtaining the permanent certificate of occupancy, but may have a cause of action against the party or parties performing such alterations. Prospective Purchasers are advised that a permanent certificate of occupancy is required for permanent use of the Units in the Building, and that a temporary certificate of occupancy may be renewed only for a total of two (2) years from the date of first issuance.

(h) If Sponsor fails to obtain a permanent certificate of occupancy for the Building prior to the First Closing, Sponsor will be obligated to: (i) direct the Escrow Agent to hold and maintain those monies received pursuant to all Purchase Agreements (see the Section of the Plan entitled "Escrow and Trust Fund Requirements") which would otherwise be payable to Sponsor in the special trust account required by the General Business Law of the State of New York, Sections 352-e(2)(b) and 352(h), provided, however, that if Sponsor's Architect certifies that a lesser amount than the amount held in the special trust account is reasonably necessary to complete the work needed to obtain a permanent certificate of occupancy, then the amount exceeding the sum so certified by the Sponsor's Architect shall be released from the special escrow account to Sponsor; or (ii) Sponsor shall deposit with Escrow Agent cash or an unconditional, irrevocable letter of credit or post a surety bond in an amount Sponsor's



Ex H

BANK 81  
 DISBURSEMENT # 2324017785  
 RUSKIN MOSCOW FALTSCHER PC  
 ATTORNEY TRUST ACCOUNT

DEMAND DEPOSIT ACCOUNTING  
 CAPITAL ONE, N.A.  
 EMA MONTHLY ACTIVITY STATEMENT

1425 REXCORP PLZ  
 UNIONDALE NY

\*IN57R02 \*  
 PAGE NO  
 PROCESS DATE 03/31/2009  
 PROCESS THRU 03/31/2009

CLIENT NUMBER SHORT NAME ACCOUNT NO DATE POSTED TRAN AMOUNT BALANCE DESCRIPTION

LLC, 11/49 RE 7040429705  
 08/28/2009 1015  
 03/31/2009 2020

110,000.00 +  
 6.78 +  
 110,006.78 NET

392,752.89- NET

\*\* EMA TOTALS \*\*

BANK 81

DEMAND DEPOSIT ACCOUNTING  
CAPITAL ONE, N.A.  
EMA QUARTERLY NAME & ADDRESS REGISTER

\*IM57R03 \*

PAGE NO 3  
PROCESS DATE 09/31/2009  
PROCESS THRU 09/31/2009

CLIENT NUMBER 2324017785 RUSKIN MOSCOU FALTISCHER PG

CLIENT NAME LLC, 11/49 RE  
SSN/CLIENT # 208-48-1913  
ACCOUNT NO 7040329705  
NAME & ADDRESS 11/49 REALTY LLC,  
1425 REXCORP PLAZA  
UNIONDALE NYDATE OPEN  
09/23/09

\*NEW THIS QUARTER\*

11556

COUNT OPEN 20

COUNT CLOSED 7

Ex I



ARCHITECTURE • URBAN PLANNING • ENGINEERING

April 10, 2009

Mr. William Thomas  
U.S. Department of Housing and Urban Development  
Office of RESPA and Interstate Land Sales  
451 Seventh Street, SW, Room 9154  
Washington, DC 20410

Re: ILS 32438 and 32439, Borden East River Realty  
LLC, 11/49 Realty LLC, and Simone Development  
Company, L.L.C., One Hunters Point  
Condominium, I-09-096; Hunters View  
Condominium, I-09-07

Dear Mr. Thomas:

My firm, NDG Architect, P.C., was retained and continues to represent Borden East River Realty LLC ("Borden"), the developer and sponsor of a twelve story high rise condominium project located at 5-49 Borden Avenue, Long Island City, Queens, New York (the "Hunters Point Project") and 11/49 Realty LLC ("11/49"), the developer of a twelve story high rise condominium project located at 48-15 11th Street, Long Island City, Queens, New York (the "Hunters View Project").

On February 17, 2009, a temporary certificate of occupancy ("TCO") was issued for the Hunters Point Project, a copy of which is attached hereto as Exhibit 1. Also attached hereto as Exhibit 2 is a copy of the current renewal of that TCO issued on April 8, 2009. As set forth on the renewal TCO there are twenty-five (25) outstanding requirements for the issuance of the permanent certificate of occupancy ("PCO") for the Hunters Point Project (see attached Exhibit 3).

On March 12, 2009, a TCO was issued for the Hunters View Project, a copy of which is attached hereto as Exhibit 4. As set forth on this TCO, there are twenty-four (24) outstanding requirements for the issuance of the PCO for the Hunters View Project (see attached Exhibit 5).



Mr. William Thomas

Premises: One Hunters Point Condominium, I-09-096  
Hunters View Condominium, I-09-97

April 10, 2009


Page 2

Pursuant to the Zoning Resolution of the City of New York, as amended, and the applicable Building Codes of the State and City of New York, all of the Units listed on the TCO for each Project are physically habitable and may legally be occupied for private residential use which is the intended use. None of the listed outstanding requirements for each Project prevent this occupancy and none of them effect the safety of either project for occupancy. In New York City, occupancy of a new residential building typically occurs pursuant to a TCO with the PCO obtained after the building is occupied. The existence of such outstanding requirements prior to obtaining a PCO are not unusual for this type of construction in the City of New York.

As the architects for the Projects, we hereby represent that Borden and 11/49 are presently addressing all outstanding requirements for the issuance of the PCO of each Project. Furthermore, the escrowed amounts set forth in the attached certifications of our firm issued on March 5th and 19th, 2009 respectively (see Exhibit 6) are more than sufficient to secure the issuance of each PCO.

Very truly yours,

NDG Architects, P.C.

By:   
\_\_\_\_\_  
Mitchell D. Newman, A.I.A., President

cc: Borden East River Realty LLC  
11/49 Realty LLC  
D'Agostino, Levine & Landesman, LLP

Ex 1



# Certificate of Occupancy

CO Number: 402115661T001

This certifies that the premises described herein conforms substantially to the approved plans and specifications and to the requirements of all applicable laws, rules and regulations for the uses and occupancies specified. No change of use or occupancy shall be made unless a new Certificate of Occupancy is issued. *This document or a copy shall be available for inspection at the building at all reasonable times.*

<b>A.</b> Borough: Queens Address: 5-49 BORDEN AVE Building Identification Number (BIN): 4860183	Block Number: 00034 Lot Number(s): 12 Building Type: New	Certificate Type: Temporary Effective Date: 02/17/2009 Expiration Date: 04/18/2009
<i>For zoning lot metes &amp; bounds, please see BISWeb.</i>		
<b>B.</b> Construction classification: 1-C (1968 Code) Building Occupancy Group classification: J2 (1968 Code) Multiple Dwelling Law Classification: HACA No. of stories: 12      Height in feet: 123      No. of dwelling units: 138		
<b>C.</b> Fire Protection Equipment: Standpipe system, Fire alarm system, Sprinkler system		
<b>D.</b> Type and number of open spaces: None associated with this filing.		
<b>E.</b> This Certificate is issued with the following legal limitations: None		
<b>Outstanding requirements for obtaining Final Certificate of Occupancy:</b> There are 24 outstanding requirements. Please refer to BISWeb for further detail. <b>Borough Comments:</b> THIS TEMP CERTIFICATE OF OCCUPANY IS FOR FLOORS 1-11 AND ROOF ONLY, EXCLUDING THE ENTIRE 12TH FLOOR.		

Borough Commissioner

Commissioner

DOCUMENT CONTINUES ON NEXT PAGE





# Certificate of Occupancy

CO Number: 402115661T001

Permissible Use and Occupancy						
All Building Code occupancy group designations are 1968 designations, except RES, COM, or PUB which are 1938 Building Code occupancy group designations.						
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description of use
001	8	OG	B-2		2	STORAGE REFUSE ROOMS
001	14	OG	D-2		2	MECHANICAL ROOMS
001	12	OG	J-2		2	LOBBY, LOUNGE
001	8	OG	F-3		2	GYM
001		OG	J-2	1	2	ONE (1) APARTMENT
001		OG	B-2		2	25 ACCESSORY PARKING SPACES
002 008	40	J-2	13	2		THIRTEEN (13) APARTMENTS ON EACH FLOOR
009 012	40	J-2	10	2		TEN (10) APARTMENTS ON EACH FLOOR
ROF	100	J-2		2		TENANT RECREATION AREA (26 CABANAS)
END OF SECTION						

Borough Commissioner

Commissioner

END OF DOCUMENT

402115661/001 2/17/2009 9:05:38 AM

Ex 2



Page 1 of 2

## Certificate of Occupancy

CO Number: 402115661T002

This certifies that the premises described herein conforms substantially to the approved plans and specifications and to the requirements of all applicable laws, rules and regulations for the uses and occupancies specified. No change of use or occupancy shall be made unless a new Certificate of Occupancy is issued. *This document or a copy shall be available for inspection at the building at all reasonable times.*

<b>A.</b>	<b>Borough:</b> Queens <b>Address:</b> 5-49 BORDEN AVE <b>Building Identification Number (BIN):</b> 4860183	<b>Block Number:</b> 00034 <b>Lot Number(s):</b> 12  <b>Building Type:</b> New	<b>Certificate Type:</b> Temporary <b>Effective Date:</b> 04/08/2009 <b>Expiration Date:</b> 06/07/2009
<i>For zoning lot metes &amp; bounds, please see BISWeb.</i>			
<b>B.</b>	<b>Construction classification:</b> 1-C (1968 Code) <b>Building Occupancy Group classification:</b> J2 (1968 Code) <b>Multiple Dwelling Law Classification:</b> HACA		
	<b>No. of stories:</b> 12	<b>Height in feet:</b> 123	<b>No. of dwelling units:</b> 138
<b>C.</b>	<b>Fire Protection Equipment:</b> Standpipe system, Fire alarm system, Sprinkler system		
<b>D.</b>	<b>Type and number of open spaces:</b> None associated with this filing.		
<b>E.</b>	<b>This Certificate is issued with the following legal limitations:</b> None		
<b>Outstanding requirements for obtaining Final Certificate of Occupancy:</b>			
There are 25 outstanding requirements. Please refer to BISWeb for further detail.			
<b>Borough Comments:</b> None			

Borough Commissioner

Commissioner

DOCUMENT CONTINUES ON NEXT PAGE



# Certificate of Occupancy

Page 2 of 2

CO Number:

402115661T002

Permissible Use and Occupancy						
All Building Code occupancy group designations are 1968 designations, except RES, COM, or PUB which are 1938 Building Code occupancy group designations.						
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description of use
001	8	OG	B-2		2	STORAGE REFUSE ROOMS
001	14	OG	D-2		2	MECHANICAL ROOMS
001	12	OG	J-2		2	LOBBY, LOUNGE
001	8	OG	F-3		2	GYM
001		OG	J-2	1	2	ONE (1) APARTMENT
002 008		40	J-2	13	2	THIRTEEN (13) APARTMENTS ON EACH FLOOR
009 012		40	J-2	10	2	TEN (10) APARTMENTS ON EACH FLOOR
ROF		100	J-2		2	TENANT RECREATION AREA (26 CABANAS)
END OF SECTION						

Borough Commissioner

Commissioner

END OF DOCUMENT

402115661/002 4/8/2009 1:41:53 PM

HP000161

Ex 3



☒ [CLICK HERE TO SIGN UP FOR BUILDINGS NEWS](#)

NYC Department of Buildings

### B-SCAN List of Required Items

**Premises: 5-49 BORDEN AVENUE QUEENS**

BIN: 4860183 Block: 34 Lot: 1

25 OPEN ITEMS OF 91 REQUIRED FOR JOB  
ADDRESS: NEW HOUSE NUMBER APPROVED  
CERTIFICATE OF OCCUPANCY  
SPRINKLER (SP) SIGNOFF  
STANDPIPE (SD) SIGNOFF  
ELEVATOR JOB SIGNOFF  
MECHANICAL (MH) SIGNOFF  
CURB CUT (CC) SIGNOFF  
EQUIPMENT USE PERMITS  
SITE SURVEY: FINAL  
BOILER (BL) SIGNOFF  
BPP: FINAL SIGNOFF  
MASONRY SUPPLIER'S STATEMENT-FORM 10.0  
FINAL PLUMBING SIGNOFF  
FINAL ELEVATOR SIGNOFF  
FINAL ELECTRICAL SIGNOFF  
FINAL CONST. SIGNOFF  
VERIFY TAX LOT  
CO OBJ: VERIFY ADDRESS-TOPO STAMP  
VIOLATIONS SEARCH  
OPEN APPLICATIONS SEARCH  
FOLDER REVIEW  
ELECTRICAL OBJ: OPEN APPLICATIONS  
ELEVATOR OBJ: OPEN ELV APP  
3'-6" FENCE IN CITY WIDENING STREET; OBTA

Job No: 402115661  
Job Type: NB - NEW BUILDING

WHO REC'D	PRI TO	REQUIRED DATE	RECEIVED DATE	CERTIFIED V
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	09/15/2008		
N	SGN	10/27/2008		
T	SGN	01/23/2009		

## B-SCAN List of Required Items

Page 2 of 2

FROM D.O.T.

TCO NOT ISSUED AS STATED ABOVE

N SGN 04/08/2009

(\*) N = Can be received by clerical staff; T = Can only be received by a plan examiner

Some items may not be required for your specific work filing.

Enter Criteria for Required Item Display

Display Items Required Prior To:

☒ Approval☒ Permit☒ Signoff

Which Items Should Be Displayed?

☐ All Items☒ Open Items Only 

If you have any questions please review these Frequently Asked Questions, the Glossary, or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

HP000164

<http://a810-bisweb.nyc.gov/bisweb/BScanItemsRequiredServlet?rqidpriortop=on&rqidpriortop=on&rqiditemstatus=open&rqidpr...> 4/8/2009

Ex 4





# Certificate of Occupancy

CO Number: 402437065T001

This certifies that the premises described herein conforms substantially to the approved plans and specifications and to the requirements of all applicable laws, rules and regulations for the uses and occupancies specified. No change of use or occupancy shall be made unless a new Certificate of Occupancy is issued. *This document or a copy shall be available for inspection at the building at all reasonable times.*

<b>A.</b> Borough: Queens Address: 48-15 11 STREET Building Identification Number (BIN): 4862699	Block Number: 00061 Lot Number(s): 80 Building Type: New	Certificate Type: Temporary Effective Date: 03/12/2009 Expiration Date: 06/10/2009
<i>For zoning lot metes &amp; bounds, please see BISWeb.</i>		
<b>B.</b> Construction classification: 1-D (1968 Code) Building Occupancy Group classification: J2 (1968 Code) Multiple Dwelling Law Classification: HAEA No. of stories: 12      Height in feet: 125      No. of dwelling units: 72		
<b>C.</b> Fire Protection Equipment: None associated with this filing.		
<b>D.</b> Type and number of open spaces: Parking spaces (37), Parking (14403 square feet)		
<b>E.</b> This Certificate is issued with the following legal limitations: None		
<b>Outstanding requirements for obtaining Final Certificate of Occupancy:</b>		
There are 24 outstanding requirements. Please refer to BISWeb for further detail.		
<b>Borough Comments:</b> None		

Borough Commissioner

Commissioner

DOCUMENT CONTINUES ON NEXT PAGE



# Certificate of Occupancy

CO Number: 402437065T001

Permissible Use and Occupancy						
All Building Code occupancy group designations are 1968 designations, except RES, COM, or PUB which are 1938 Building Code occupancy group designations.						
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description of use
CEL			J-2		2B	ACCESSORY (22) PARKING SPACES
CEL			D-2		2B	MECHANICAL ROOM
CEL		OG	B-2		2B	TENANT STORAGE,
OSP		100	J-2		2B	OUTSIDE RECREATION AREA
001		40	J-2		2B	ACCESSORY (15) PARKING SPACES
001		40	J-2		2B	ACCESSORY EXERCISE ROOM
001		40	J-2		2B	LOBBY, LOUNGE
002		40	J-2	7	2	(7) CLASS 'A' APARTMENTS
003		40	J-2	7	2	(7) CLASS 'A' APARTMENTS
004		40	J-2	7	2	(7) CLASS 'A' APARTMENTS
005		40	J-2	7	2	(7) CLASS 'A' APARTMENTS
006		40	J-2	7	2	(7) CLASS 'A' APARTMENTS
007		40	J-2	7	2	(7) CLASS 'A' APARTMENTS

Borough Commissioner

Commissioner

DOCUMENT CONTINUES ON NEXT PAGE



# Certificate of Occupancy

CO Number: 402437065T001

Permissible Use and Occupancy						
All Building Code occupancy group designations are 1968 designations, except RES, COM, or PUB which are 1938 Building Code occupancy group designations.						
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description of use
008		40	J-2	6	2	(6) CLASS 'A' APARTMENTS
009		40	J-2	6	2	(6) CLASS A APTS.
010		40	J-2	6	2	(6) CLASS A APTS.
011		40	J-2	6	2	(6) CLASS A APTS.
012		40	J-2	6	2	(6) CLASS A APTS.
ROF	31	100	J-2		2	TENANT RECREATION SPACE (15 CABANAS) 31 MAX OCCUPANTS.
ROF						MECHANICAL & ELEVATOR ROOMS
END OF SECTION						

Borough Commissioner

Commissioner

END OF DOCUMENT

402437065T001 3/12/2009 10:10:37 AM

Ex 5



 [CLICK HERE TO SIGN UP FOR BUILDINGS NEWS](#)

NYC Department of Buildings

### B-SCAN List of Required Items

Premises: 48-15 11 STREET QUEENS  
 BIN: 4862699 Block: 61 Lot: 80

Job No: 402437065  
Job Type: NB - NEW BUILDING

24 OPEN ITEMS OF 66 REQUIRED FOR JOB

\* DEMOLITION (DM) JOB SIGNOFF

CERTIFICATE OF OCCUPANCY

SPRINKLER (SP) SIGNOFF

STANDPIPE (SD) SIGNOFF

CURB CUT (CC) SIGNOFF

DETECTOR:SMOKE-CERT. OF INSTALLATION

**SITE SURVEY: FINAL**

PLUMBING (PL) SIGNOFF

BOILER (BL) SIGNOFF

CONSTRUCTION (OT) SIGNOFF

BPP: FINAL SIGNOFF

DEMOLITION (DM) JOB SIGNOFF

BOILER APPROVAL : 900A

DETECTOR: CARBON MONOXIDE-CERT. OF INSTALL.

MASONRY SUPPLIER'S STATEMENT-FORM 10J

**FINAL PLUMBING SIGNOFF**

FINAL ELECTRICAL SIGNOFF

FINAL CONST. SIGNOFF

VERIFY TAX LOT

VIOLATIONS SEARCH

OPEN APPLICATIONS SEARCH

STANDARD EIGHTHS  
FOLDER REVIEW

MECHANICAL (MH) SIGNOFF

CURB CUT #REQUIRED

[illegible]

## B-SCAN List of Required Items

Page 2 of 2

(\*) N = Can be received by clerical staff; T = Can only be received by a plan examiner  
Some items may not be required for your specific work filing.

Enter Criteria for Required Item Display

## Display Items Required Prior To:

☒ Approval☒ Permit☒ Signoff

## Which items Should Be Displayed?

☐ All Items☒ Open Items Only

If you have any questions please review these Frequently Asked Questions, the Glossary, or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

HP000171

<http://a810-bisweb.nyc.gov/bisweb/BScanItemsRequiredServlet?requestid=4&rqidpriority=on&rqidpriority=on&rqidpriority=0...> 4/8/2009

Ex 6.



ARCHITECTURE • URBAN PLANNING • ENGINEERING

**Certification of Sponsor's Architect**

March 5, 2009

New York State Department of Law  
Investment Protection Bureau  
Real Estate Financing Section  
120 Broadway, 23<sup>rd</sup> Floor  
New York, New York 10271

Re: One Hunters Point Condominium (the "Condominium")  
5-49 Borden Avenue, Long Island City, New York (the "Property")  
CD07-0082

To Whom It May Concern:

I, Mitchell D. Newman, am an Architect licensed to practice in the State of New York. This firm prepared a report dated January 16, 2007 describing the construction of the Property in connection with the submission of an offering for the sale of condominium units (the "Plan") by Borden East River Realty LLC ("Sponsor") which Plan was accepted for filing by the Department of Law on September 11, 2007.

We understand that this firm is responsible for complying with Article 23-A of the General Business Law and the regulations promulgated by the Department of Law in part 20 of Title 13 NYCRR.

The Sponsor has advised that the first residential unit closing has taken place prior to the issuance of a permanent certificate of occupancy. Pursuant to the requirements of Section 20.3(t)(12) of Title 13 NYCRR, Sponsor will need to deposit with the escrow agent the sum of \$ 300,000, which we estimate to be the amount reasonably needed to complete the outstanding work required to obtain a permanent certificate of occupancy more specifically [attach schedule describing work to be done and cost].

210 WEST ROGUES PATH • COLD SPRING HILLS, NY 11743 • TEL: 631.673.3111 • FAX: 631.673.2031  
www.ndarchitects.com

HP000173





We certify that this letter:

1. Sets forth the required work to be completed to obtain a permanent certificate of occupancy.
2. Provides potential purchasers and current unit owners an adequate basis upon which to found their judgment concerning the condition of the Property as it will exist upon receipt of the permanent certificate of occupancy;
3. Does not omit any material facts;
4. Does not contain any fraud, deception, concealment or suppression;
5. Does not contain any promise or representation as to the future which is beyond reasonable explanation or unwarranted by existing circumstances; and
6. Does not contain any representation or statement which is false where we (i) knew the truth; (b) with reasonable effort could have known the truth; (c) made no reasonable effort to ascertain the truth; (d) did not have knowledge concerning the representation or statement made.

We further certify that we are not owned or controlled by and have no beneficial interest in the Sponsor and that our compensation for preparing this letter is not contingent on the Condominium receiving the permanent certificate of occupancy or on the profitability of the Sponsor. This letter is not intended as a guarantee or warranty of the total cost to obtain the permanent certificate of occupancy.

NDG Architect, P.C.

By: Mitchell D. Newman, A.I.A.  
President

Sworn to before me this 5<sup>th</sup>  
of March 2009

Elisa Spada  
Notary Public

A handwritten signature of Elisa Spada in dark ink, written over a horizontal line.

ELISA SPADA  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01SP6137227  
Qualified in Nassau County  
My Commission Expires November 21, 2009



Date: March 5, 2009

RE: 5-49 Borden Avenue, Long Island City, NY

The following is the schedule of work to be completed for the above referenced project:

• Balcony/Terrace Glass Railings	\$20,000
• 9th Floor Terrace Waterproofing	20,000
• Interior Frame/Doors	5,000
• Painting	25,000
• Signage/Directory	20,000
• Privacy Screens	10,000
• Lobby	30,000
• Bathroom Mirrors	5,000
• Plumbing (Misc.)	25,000
• HVAC (Start-Up/Balancing/Misc.)	25,000
• Electrical	41,250
• Close-Out Paperwork	35,000
• Canopy	0
• Completion of Builders Pavement Plan & Planting of Street Trees (\$78,200 in separate escrow account by Sponsor with DOT/NYC Parks Dept.)	13,750
• Miscellaneous	
<b>TOTAL</b>	<b>\$300,000</b>



ARCHITECTURE • URBAN PLANNING • ENGINEERING

**Certification of Sponsor's Architect**

March 19, 2009

New York State Department of Law  
Investment Protection Bureau  
Real Estate Financing Section  
120 Broadway, 23<sup>rd</sup> Floor  
New York, New York 10271

Re: Hunters View Condominium (the "Condominium")  
48-15 11th Street, Long Island City, New York 11101 (the "Property")  
CD07-0240

**To Whom It May Concern:**

I, Mitchell D. Newman, am an Architect licensed to practice in the State of New York. This firm prepared a report dated March 15, 2007 describing the construction of the Property in connection with the submission of an offering for the sale of condominium units (the "Plan") by 11/49 Realty LLC ("Sponsor") which Plan was accepted for filing by the Department of Law on September 11, 2007.

We understand that this firm is responsible for complying with Article 23-A of the General Business Law and the regulations promulgated by the Department of Law in part 20 of Title 13 NYCRR.

The Sponsor has advised that the first residential unit closing has taken place prior to the issuance of a permanent certificate of occupancy. Pursuant to the requirements of Section 20.3(t)(12) of Title 13 NYCRR, Sponsor will need to deposit with the escrow agent the sum of \$ \$110,000, which we estimate to be the amount reasonably needed to complete the outstanding work required to obtain a permanent certificate of occupancy more specifically [attach schedule describing work to be done and cost].

210 WEST ROGUES PATH • COLD SPRING HILLS, NY 11743 • TEL: 631.673.3111 • FAX: 631.673.2031  
www.ndarchitects.com

HP000176



We certify that this letter:

1. Sets forth the required work to be completed to obtain a permanent certificate of occupancy.
2. Provides potential purchasers and current unit owners an adequate basis upon which to found their judgment concerning the condition of the Property as it will exist upon receipt of the permanent certificate of occupancy;
3. Does not omit any material facts;
4. Does not contain any fraud, deception, concealment or suppression;
5. Does not contain any promise or representation as to the future which is beyond reasonable explanation or unwarranted by existing circumstances; and
6. Does not contain any representation or statement which is false where we (i) knew the truth; (b) with reasonable effort could have known the truth; (c) made no reasonable effort to ascertain the truth; (d) did not have knowledge concerning the representation or statement made.

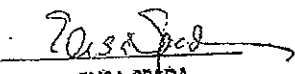
We further certify that we are not owned or controlled by and have no beneficial interest in the Sponsor and that our compensation for preparing this letter is not contingent on the Condominium receiving the permanent certificate of occupancy or on the profitability of the Sponsor. This letter is not intended as a guarantee or warranty of the total cost to obtain the permanent certificate of occupancy.

NDG Architect, P.C.

By: 

Mitchell D. Newman, A.I.A., President

Sworn to before me this 19<sup>th</sup>  
of March 2009

  
Elisa Spada  
Notary Public

ELISA SPADA  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01SP6137227  
Qualified in Nassau County  
My Commission Expires November 21, 2009



Date: March 19, 2009

RE: 48-15 11th Street, Long Island City, NY

The following is the schedule of work to be completed for the above referenced project:

• Painting Touch-Up	5,000
• Signage	10,000
• Plumbing (Misc.)	10,000
• HVAC (Start-Up/Balancing/Misc.)	10,000
• Electrical (Misc.)	15,000
• Close-Out Paperwork	30,000
• Canopy	20,000
• Completion of Builders Pavement Plan & Planting of Street Trees	0
• (\$48,128 in separate escrow account by Sponsor with DOT/NYC Parks Dept.)	
• Miscellaneous	10,000
<b>TOTAL</b>	<b>\$110,000</b>